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Assistant Commissioner of Patents

Washington, DC 20231

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PROTEST UNDER 37 CFR 1.291(a)

Re: Advertisement inserting method and system is applied the method

US File 20030093792

Filed: June 27, 2001

Sirs:

Recently I found the above referenced patent filing and believe this filing has NOT issued in the U.S. The US File # is 20030093792

I am voicing an objection as a concerned third party and as a U.S. Citizen. The patent filing describes at great length an advertising delivery system dependent upon a database (0073) maintained (0110) at the client level (Set Top Box [STB]) in a client-server ad delivery system. (0005) The appropriate ads are selected through comparison of programs' meta information data (keywords) (0141) or with user profile databases (0004) (0073) (0105) (0115) (0140) The ad databases are created at the STB or at a remote server (0206) and updated (0025) (0026) at the STB. Selecting broadcast content (channel) (0002) or a show on television, which is tantamount to placing a URL or keyword into a browser locator window, then makes a match with ad database (0004) (0073) (0140) data maintained at the computer STB in the remotely controlled and updated (0110) database and in the event a match is made by matching program meta information data in the ad database or user profile that contains voluntary user actions (0115) an appropriate advertisement is displayed. This is referred to as "pull" advertising as voluntary actions on the part of users interact with pre-established databases and a targeted ad is displayed.

It is important to note the inventor generously uses the term "additional programs" to include "advertisements." This is a client-server ad serving system.

This system is described in Claims 1, 2, 3, 4, 5, 6, 7, 11, 13, 14 and others. Basing ad display upon program selection comparisons, meta data, viewer profiles created through voluntary users' actions or other voluntary users' actions is no different than selecting a URL in a browser or Keyword in a search engine. Whether a cable TV network or the internet (0238) or both, both are electronic communication networks. The system is described in (0004) (0005) (0025) (0026) (0052) (0073) (0105) (0110) (0115) (0140) (0141) and numerous others.

The abstract reads, "A method for displaying a TV program to a viewer, comprising receiving a plurality of TV programs, allowing the viewer to select one of the plurality of received TV programs for viewing, and responding to the viewer selection by controlling the programming displayed to the viewer in accordance with the viewer selection and with previously determined viewing preferences of the viewer. Controlling the programming displayed to the viewer may include displaying the viewer selected program and additional programs selected in accordance with the previously determined viewing preferences of the viewer. The additional programs may include advertisements."

I am objecting to this patent filing, as it is neither novel nor unique. Establishing and using trigger databases in conjunction with users' actions are clearly described in the attached prior art. It is of particular note that little prior art was supplied; little prior art was submitted with this filing correlating to the internet, also an electronic communication system, and only some broad references to server profiling systems. The filers are correct that a targeted system based on program selections, user profiles, meta information data keywords or other voluntary user actions is more accurate and excels in its ability to deliver "relevant" ads at the exact moment of interest. However, the filers did not include the following references:

1. US Patent 6,141,010 ... similar technology
2. Gator.com (recently changed to Claria.com) has been marketing such a system since 1998 or 1999
3. WO9955066 (A1) or EP1076983 (A1) ... similar technology

There may be more prior art preceding the 6/27/2001 filing.

I believe the Examiner should look very closely at the Claims made and reject this patent filing based upon the prior art enclosed.